

REMARKS

Petition for Revival

This Amendment is filed concurrently with a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), together with the requisite fee.

Claim Rejections

Claims 1 to 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paldino (U.S. 5,694,713) in view of Bell (U.S. 5,433,010).

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Claim Amendments

By this Amendment, Applicant has amended claim 1 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The amended claims are directed toward: a laser pointer mounted on a seat of a firearm as an auxiliary sight, comprising: a cylindrical housing comprising a forward aperture; a light emitting mechanism within the housing, the light emitting mechanism having a forward end fastened in the housing, the light emitting mechanism being adapted to emit light through the aperture to impinge on a target; and an adjustment ring rotatably put on the housing, the adjustment ring comprising an eccentric bore with a rear portion of the light emitting mechanism received therein, *wherein the adjustment ring is configured to be rotated to move the light emitting mechanism laterally a distance.*

As shown in Figures 6 and 7 of the present application, by rotating an adjustment ring 13 provided on the housing 11, the light emitting mechanism 12 is

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|------------------------------|------------------|----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/080,502 | CLELAND ET AL. | |
| | Examiner | Art Unit | |
| | Carlos A. Azpuru | 1615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 23 and 24 is/are allowed.
- 6) Claim(s) 1,11-13,21,22 and 34 is/are rejected.
- 7) Claim(s) 2-10,14-20,25-33 and 35-40 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5232002 & 10072002.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

A preliminary amendment was filed on 2/22/2002. Receipt is also acknowledged of the information disclosure statements filed 05/23/2002 and 10/07/2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 11, 12, 13, 21, 22, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Domb et al.

Domb et al disclose a multiblock copolymer mixture which is dissolved in water (or other hydrophilic solvent) and organic solvents (see column 7, lines 30-44). While the method goes on to prepare microparticles through solvent evaporation, the composition and method of Domb et al anticipate those of the claims up to that point in the disclosed compositions.

Claims 2-10, 14-20, 25-33, 35-40 are objected to as dependent upon a rejected claim.

Claims 23-24 are allowed.

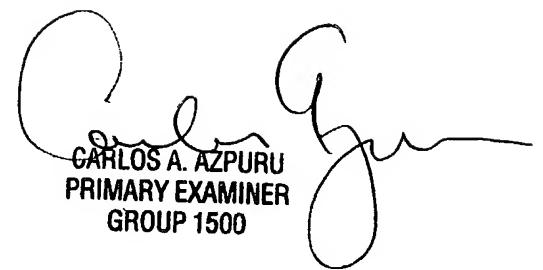
WO97/26015 is cited a patent of interest in it disclosure of a hydrophobic polymer and drug dissolved in an oil vehicle. The patent lacks the disclosure of an accompanying hydrophilic solvent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Azpuru whose telephone number is (571) 272-0602. The examiner can normally be reached on Tu-Fri, 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page can be reached on (571) 272-0588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CARLOS A. AZPURU
PRIMARY EXAMINER
GROUP 1500